

Delaware Animal Control Recommendations



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Public Health

Office of Animal Welfare

April 23, 2014

Delaware Animal Control Recommendations

Table of Contents

| | | |
|------|---|---|
| I. | Background and Objective | 2 |
| A. | Context | 2 |
| B. | Findings of the Animal Welfare Task Force | 2 |
| C. | Objective of this report | 3 |
| II. | History of Animal Control Services in Delaware | 3 |
| A. | State vs. county responsibility | 3 |
| B. | Changes in recent years | 4 |
| III. | Current State of Dog Control | 5 |
| A. | Providers and services..... | 5 |
| B. | Dog population and response; cost and revenue | 5 |
| IV. | Situational Analysis | 6 |
| A. | Limited providers = Government vulnerability and service erosion..... | 6 |
| B. | Challenges with service consistency and availability | 6 |
| C. | Fragmentation resulting in missed opportunities for cost savings..... | 6 |
| D. | Lack of oversight and complaint response..... | 7 |
| E. | Significant gaps in service | 7 |
| V. | Recommendations | 8 |
| A. | Guiding principles..... | 8 |
| B. | Jurisdiction | 8 |
| C. | Services | 8 |
| D. | Cost and revenue | 9 |

Acknowledgement

The Division of Public Health’s Office of Animal Welfare thanks the New Castle, Kent, and Sussex County governments, as well as the Wilmington Office of the Mayor for their strong collaboration on this report. We also appreciate contributions by the First State Animal Center-SPCA, Delaware SPCA, and Delaware Department of Natural Resources and Environmental Control, which provided data and insight on dog control and animal cruelty.

Delaware Animal Control Recommendations

I. Background and Objective

A. Context

More than two-thirds of U.S. households own at least one pet¹ and when conflicts between animals and people arise, local government agencies are called upon to respond. Animal control organizations are designed to safeguard the public from animals, protect animals from abuse and neglect, and intervene when free-roaming animals are in need of rescue and safe shelter.

Title 9, Chapter 9 of the Delaware Code establishes county jurisdiction over dog control. The chapter outlines standards for the humane treatment and care of dogs, details requirements for dog licensing, designates animal control services to ensure public safety, and provides procedures for handling potentially dangerous dogs. To deliver services, the county, “shall authorize the hiring of, or contract for, sufficient animal control constables or dog wardens to accomplish the purposes of this chapter.”² The City of Wilmington, because its population size and incorporation, provides its own animal control services separate from the county. Additionally, municipalities like Dover and Newark provide enforcement through the municipal police department but rely on a local, non-profit animal shelter to provide intake, housing, and adoption services for stray animals under county contracts.

Title 9 does not establish animal control provisions for any other species of animal besides dogs.

B. Findings of the Animal Welfare Task Force

The Animal Welfare Task Force, established by Senate Concurrent Resolution 44 of the 146th Delaware General Assembly, was created to analyze issues concerning companion animals in the state and to make recommendations for improvement. Prompted by public complaint over a lack in oversight and consistency of animal welfare programs, the Task Force focused on a number of critical topics, including dog control services and animal control officers.

The Animal Welfare Task Force identified the following concerns at their meetings:³

- There is a high level of public confusion about dog control services and providers.
- The distinction between Title 9 dog control provisions and Title 11 animal cruelty provisions are unclear. Many times they overlap, though dog control services are the only services provided by the county governments. Animal cruelty services are not government funded.
- County governments struggle with the management of dog control contracts due to rising costs, inadequate funding and revenue, volume of public complaints, and limited number of providers.

¹ American Pet Products Association 2011-2012 Pet Owners Survey. <http://www.americanpetproducts.org/>

² Delaware Code. Title 9, Chapter 9, Subchapter I, Section 917(a).

³ Animal Welfare Task Force meetings and minutes.

<http://legis.delaware.gov/LIS/TaskForces.nsf/113411bdd5de74d385257b3b005e343c/a6a07007145bb71d85257a23004d69ba?OpenDocument&Highlight=0,Animal,Welfare%20&TableRow=1.5.2#1.5>

Delaware Animal Control Recommendations

- There is no standardized, statewide training and certification program for animal control officers, even though those officers carry out law enforcement duties.
- Animal control services do not include services for cats; therefore, injured or ill stray cats are not handled in a timely fashion, causing the animal to suffer.
- Animal control services offered are inconsistent with public expectations for those services. There is strong public concern over gaps in animal control services, officer ability and expertise, and service consistency.

Final Task Force recommendations, submitted in April 2013 to the Governor and General Assembly, recommended that the Office of Animal Welfare be formed and tasked the new office to, "... research best practices and a spectrum of models for dog control management, as the system is struggling in its current form under the counties. This research would be used to investigate the possibility of returning county responsibilities back to the State under Office oversight/operations."⁴ This recommendation was carried forward in the State budget epilogue for Fiscal Year 2014.

C. Objective of this report

To analyze cost and capacity issues associated with animal control and make recommendations on which government entity should have jurisdiction over these services.

II. History of Animal Control Services in Delaware

A. State vs. county responsibility

County responsibility for dog control is defined in Title 9, Chapter 9 of the Delaware Code. Prior to the passage of this law in 2010, the responsibility of dog control enforcement fell to the Department of Natural Resources and Environmental Control (DNREC) and was a statewide, State-funded function. DNREC contracted with the Delaware Society for the Prevention of Cruelty to Animals (DESPCA) and Kent County Society for the Prevention of Cruelty to Animals (KCSPCA) to carry out enforcement and sheltering responsibilities mandated by the law. While Delaware Code only mandated dog care and control, the contracted agencies provided comprehensive animal control, including services for stray cats, nuisance wildlife, and stray livestock. Dog and kennel licensing, and Title 9, Chapter 9 code violation citations, were the intentional sources of revenue for these services, all of which proved inadequate.

In 2007, representatives of DNREC approached each county to request cost sharing for animal control services. The counties agreed and in the fiscal year 2008 state budget, the governments of New Castle, Kent, and Sussex counties were required to pay their prorated share for 50% of the statewide dog

⁴ Animal Welfare Task Force Final Report.

[http://legis.delaware.gov/LIS/TaskForces.nsf/113411bdd5de74d385257b3b005e343c/a6a07007145bb71d85257a23004d69ba/\\$FILE/Animal%20Welfare%20Task%20Force%20Final%20Report%204-30-13.pdf](http://legis.delaware.gov/LIS/TaskForces.nsf/113411bdd5de74d385257b3b005e343c/a6a07007145bb71d85257a23004d69ba/$FILE/Animal%20Welfare%20Task%20Force%20Final%20Report%204-30-13.pdf)

Delaware Animal Control Recommendations

control contract. In the fiscal year 2009 budget, the amount was raised to 100% of the county's prorated share of the statewide dog control contract.

In 2010 after a transitional phase, the responsibility of dog control was turned over from DNREC to each county. This transition was the result of several years of discussions amongst DNREC, State, and county officials. In the end, New Castle, Kent, and Sussex counties, as well as the City of Wilmington, assumed jurisdiction over dog control responsibilities outlined in Title 9, Chapter 9 including, but not limited to, picking up of dogs running at large, managing dog licenses, enforcing housing and care requirements, and management of the State Dangerous Dog Panel.

B. Changes in recent years

Animal control management has changed significantly in recent years, starting with service erosion. The agencies contracted to provide animal control services chose to end unfunded services for cats, nuisance wildlife, and stray livestock. Citing economic challenges and increasing public expectation to reduce euthanasia of healthy animals, contracted organizations began to provide only the services for dogs outlined in contracts. Additional services, like requests to pick up stray cats, were either not provided or resulted in an additional fee being charged to the respective county or constituents. The counties, citing budget challenges, elected not to pay the fees associated with the additional services. County governments also opted to eliminate dog control services that were not mandated by law, such as the overnight and weekend staffing of animal control officers. These changes have created significant gaps in public animal control services.

The second major change over recent years is the rising cost for service. When the state held responsibility for providing dog control services, contract costs averaged \$2.37 million for a full year of service.⁵ Today that cost has risen to almost \$3.2 million statewide, which represents a 35% increase since 2009. Counties have not experienced a corresponding increase in revenue earmarked for these services. One reason for this increase may be the fragmentation of the service contract. Since county/city dog control contract negotiations are completed separately, there is disparity between services and their associated costs. Cost advantages that result from consolidated, large-scale operations are not being realized. Other contributing factors to cost increases include a better understanding of the true cost of enforcement and sheltering, the advancement of shelter practices to prevent disease transmission, improved access to proper veterinary care, and increased opportunities for pet-owner reunification and homeless pet adoption.

Another major change, and contributing factor to cost increases, is the absence of competitive contract bidders and decreased market competition. In Delaware, there is currently only one provider willing to bid on county and city contracts, and qualified providers from neighboring states have not come forward. Other past providers have stopped bidding on animal control services, questioning the value and cost of the contracts to their organization. Delaware is not unique in this challenge, as national trends since the early 1990s have shown that "increasing numbers of contracting organizations have become unwilling to take charitable dollars to fund activities that are the government's statutory

⁵ Averaged 2008 and 2009 annual contract cost for state dog control services

Delaware Animal Control Recommendations

responsibilities.”⁶ In other states where this has occurred, government entities have been forced to develop municipal animal care and control divisions.

III. Current State of Dog Control

A. Providers and services

Dog control services for the entire state are currently provided by one agency: First State Animal Center-SPCA (FSAC-SPCA). A private, non-profit animal shelter, FSAC-SPCA holds contracts with all three counties in Delaware, as well as the City of Wilmington. Contract length and terms are negotiated separately by each jurisdiction and vary as a result.

General contracted services for stray dogs include a centralized call center, 24-hour response⁷ stray dog pick-up, sheltering during the mandatory 72-hour stray holding period, and veterinary care (including vaccinations) for stray animals. After the 72-hour hold period, dogs become the property of the agency sheltering the animal. Contracts also require enforcement of Title 9, Chapter 9 dog care requirements including, but not limited to, food/water requirements, tethering specifications, indoor and outdoor housing requirements, kennel/retail licensing inspections, and Dangerous Dog provisions. Animal Control Officers must be trained and uniformed, and are allowed to issue citations/penalties and seize animals.

B. Dog population and response; cost and revenue

In 2013, animal control officers responded to approximately 11,300 calls concerning Title 9 violations. More than 4,400 dogs were picked up by animal control officers and either taken to shelters or returned to the owner in the field. These services were provided by 14 - 20 animal control officers across the state. Cost for this service is currently \$3,136,588, or \$3.42 per capita, which is paid for by the three counties and the City of Wilmington. The only earmarked sources of revenue for this service are dog and kennel licensing fees, and court-issued fines. License fees and the duration of licenses are defined by each county and the City of Wilmington and therefore, may differ. In 2013, 19,081 dog licenses and 112 kennel licenses were sold in Delaware, covering only 9.3% of the estimated dog population of 206,000.⁸ The same year, license sales amounted to approximately \$236,000 in revenue and citation revenue was less than \$40,000. The remaining cost for dog control services has been paid for by county or city general funds.

⁶ Handy, Geoffrey. *Animal Control Management, A guide for local governments*. Washington, D.C.: International City/County Management Association, 2001.

⁷ Overnight services are on-call, emergency services only

⁸ American Veterinary Medical Association Pet Ownership Calculator. <https://www.avma.org/KB/Resources/Statistics/Pages/US-pet-ownership-calculator.aspx>. Based on 2012 census population of 917,000 citizens of Delaware, <http://quickfacts.census.gov/qfd/states/10000.html>

Delaware Animal Control Recommendations

IV. Situational Analysis

The public has been vocal on the issue of dog control at Animal Welfare Task Force meetings, in communication with state and county policymakers, and in complaints issued to the Division of Public Health Office of Animal Welfare. County and city government officials, as well as contracted dog control agencies, have also stated concerns over the current enforcement structure; concerns that were discussed at length at Animal Welfare Task Force meetings and in subsequent meetings between the Division of Public Health Office of Animal Welfare and administrators/representatives from New Castle, Kent, and Sussex counties and the City of Wilmington. This section outlines those concerns.

A. Limited providers = Government vulnerability and service erosion

- The limited number of qualified bidders results in limited market competition. There is currently only one provider willing to bid on contracts in Delaware, placing the counties and City of Wilmington in a vulnerable position during contract negotiations or when providers decide to end service at the end of a contract term. Delaware has already experienced the loss of two providers over the last year and is currently threatened with the potential loss of all animal cruelty enforcement services.
- The cost of animal control continues to rise without increasing revenue. This has created service erosion, as the counties and service providers discontinue services that are not required by law.
- The counties and city do not have adequate control over the quality of service or business practices of the contracted agency. When business practices conflict with those of the county or city, there is little opportunity for recourse, as the limited marketplace reduces the negotiating power of the contracting government entity.
- Poor customer service and inflexible policies prevent pet reunification, animal transfer and adoption, and have created public dissatisfaction with services.

B. Challenges with service consistency and availability

- The public is confused about the animal control services available to them and the organizations providing those services.
- There is a general lack of consistency across the state in how services are delivered, as county and city contracts are negotiated separately.
- Dog control providers may be located in a different county than the constituents covered by the service, confusing the public and making reunions between stray pets and their owners difficult.

C. Fragmentation resulting in missed opportunities for cost savings

- It is difficult to gather justification for the cost of service, including real-time data or an explanation of services from the contracted agency, as accounting practices of the bidding agency may not be at the standard required by the contracting government entity.
- Annual contract negotiations are cumbersome and difficult for all involved. The lack of a long-term contract increases officer turnover and financial uncertainty for the contracted organization and county/city budget planners.
- The current cost for state dog control services is \$3.42 per capita. Without the Wilmington contract, the county cost is \$3.05 per capita. Organizations such as the International County/City

Delaware Animal Control Recommendations

Management Association recommend that an effective animal control program will cost \$4.00 - \$7.00 per person per year.⁹ Ideally, programs will not only include investment in enforcement, but also prevention.

- Potential cost savings through consolidation are not being realized. For example, the Delaware Division of Public Health is responsible for rabies prevention and control. The Division manages an annual contract for over \$275,520 with First State Animal Center-SPCA for these services. Services may overlap with dog control services, but since contracts are managed by different levels of government, potential cost savings are not realized.

D. Lack of oversight and complaint response

- Animal control officers carry out law enforcement duties, yet are not adequately certified by a State agency. It is unclear as to whether or not training programs would meet standards set for law enforcement or by national animal control training organizations.
- There is no clear mechanism for reporting complaints concerning animal control. Citizen complaints may not be managed or responded to adequately and there is no clear investigative or audit processes in place for complaints.

E. Significant gaps in service

- The Dangerous Dog Panel has been defunct for several years, making it difficult for the dog control agencies to properly investigate cases and initiate hearings.
- Cats are a large source of public service requests, yet services previously in place are now nonexistent. Ill or injured cats are not covered under animal control contracts and, therefore, there is no response when cases are reported. This results in the unnecessary and cruel suffering of these cats and a heightened emotional response from the public. Under the Title 11, Chapter 5 animal cruelty statute, the neglect of an injured or ill cat is considered an act of cruelty to animals, indicating the seriousness of that act and indicating the need for intervention.
- Animal cruelty investigation goes hand-in-hand with dog control enforcement. In fact, many dog control complaints result in animal cruelty investigations. However, since dog control services are funded and mandated, but animal cruelty services are not, response is not seamless, nor consistent, and prolonged animal suffering may result.
- Animal cruelty statutes are enforced by voluntary, non-profit organizations. Services are very costly and cumbersome, and there is no funding for the work. Currently, both organizations that voluntarily enforce animal cruelty statutes are reconsidering their role in providing this service. As with dog control, this puts the State in a vulnerable position.
- Animal control and animal cruelty enforcement is not provided 24 hours a day. Services at night are on-call, only for cases of emergency.
- There is a general lack of coordination between animal control, population reduction, and pet retention programs. Services offered focus on enforcement rather than prevention. This is especially true for the state's pit bull-type dog population, which has been a challenge for dog control agencies and municipalities. Enforcement alone, including stray pick-up and housing, has

⁹ Handy, Geoffrey. *Animal Control Management, A guide for local governments*. Washington, D.C.: International City/County Management Association, 2001.

Delaware Animal Control Recommendations

not worked to reduce overpopulation. Prevention of pet relinquishment and breeding should be a priority in animal control agencies.

- Community education is imperative in reducing animal overpopulation, preventing cruelty, and improving animal care, yet there is no clear plan on how that is being addressed or who is providing public education on these issues.

V. Recommendations

A. Guiding principles

An effective and sustainable animal control model in Delaware should be organized along the following principles:

- Services should be clearly defined and delivered in a way that meets broadly-recognized community expectations for animal care and control.
- The animal control model should demonstrate strong collaboration between state, county, and city governments, as well as the non-profit animal welfare sector.
- The government should have control over the quality of services provided to its constituents and the power to effectively investigate and handle constituent complaints.
- The animal control structure should allow for market competition. A system that is hindered by a limited number of providers or that does not promote, and allow, market competition is not sustainable.

B. Jurisdiction

In order to increase consistency in animal control services, realize cost savings from consolidated efforts, and improve the overall function and sustainability of animal control services in Delaware, the responsibility for Title 9, Chapter 9 (dog control and management) should transition from the county and city governments to the State of Delaware. This transition should occur once the State identifies an animal control model that meets the guiding principles outlined above, and develops a transitional plan including a funding/cost plan. The plan should also reflect recommendations for new or expanded sources of revenue.

Regarding the development of the transition plan, the Division of Public Health's Office of Animal Welfare should work closely with the New Castle, Kent, and Sussex counties, as well as the City of Wilmington, to develop a recommended plan including the animal control model of which the State would manage, timelines, corresponding legislation, and budget. The Office should consider benchmarks from other states/counties with similar demographics and needs. Those recommendations should be submitted to the Office of the Controller General and the Office of Management and Budget by October 31, 2014.

C. Services

As the State assumes responsibility for animal control services, those services should be expanded to include hurt or ill stray cats. This action would restore services historically provided, reduce animal

Delaware Animal Control Recommendations

suffering, and help to ensure public safety from diseased cats or injured cats that may attack if approached by a citizen. This action would also improve public satisfaction with animal control services, as this issue has been a consistent source of public complaint.

Secondly, the Division of Public Health's Office of Animal Welfare should identify solutions for consistent and sustainable animal cruelty enforcement to ensure provisions outlined in Title 11, Chapter 5 are given proper attention and funding.

Finally, animal control and cruelty enforcement should be delivered by trained and certified officers. The Division of Public Health's Office of Animal Welfare should ensure services are easy to understand and accessible by the public.

D. Cost and revenue

Cost for state animal control services and animal cruelty enforcement should be shared between the State, New Castle, Kent and Sussex counties, and the City of Wilmington.

The Division of Public Health's Office of Animal Welfare should identify new or expanded sources of revenue for animal control services, including increased dog license compliance and consolidation of dog licensing services into the state model.

The Office should also make recommendations for combining rabies prevention and control and animal control contracts, allowing the State to realize cost savings and service efficiencies. Likewise, the Office of Animal Welfare should identify any other opportunities for cost savings through consolidation.